FOR MYSORE STATE

50.

Rural Welfare (1950) Department.

Ms SERIES.

G.O. NO. 438

Dated 7-11-50

[Despatch Abstract.]

Scheduled Tribes — Specification under the Constitution — Conference at New Delhi — Decisions — Papers recorded.

Copy to Mysore

IMMEDIATE.

P (E.) Dept.

D.O.No.741/50-1 Dated, the 3rd June 1950.

My Dear Gopalaswami,

RECORD Note of conference held on 20th May 1950 for deciding the basis of specification of scheduled tribes and criterion of tribal membership.

We have perused the record note of the conference held on the 20th May 1950 circulated by you.

2. The main points for consideration at the conference were -

(i) Whether the State Government adhered to its former opinion regarding tribal religion as a criterion or had changed it;

(ii) what was their view regarding languages as a via media criterion; and

(iii) had they any suggestions to put forward for adoption on an all-India basis?

3. Arputhanathan who represented the Madras Government at the conference explained the views of the Madras Government on points (i) and (ii) i.e. that the Madras Government adhered to its view that tribal religion should not be a criterion and that the language criterion was not acceptable as it would exclude a number of important and well-known tribes.

4. As regards the third point, he also explained the Madras Government's view that a tribe should be treated as a Scheduled tribe if its way of life is still primitive and tribal coupled with backwardness which is more marked than in the case of Scheduled Castes that the Madras Government had consistently adopted this criterion and that they had had no difficulty in preparing the list with reference to these considerations. He also said that the Madras Government were aware of the difficulty that might be presented in some States where a section of a tribe has been converted to Christianity and such section has become advanced in education and economic condition. In such a case the suggestion of the Madras Govt. was that, while the tribe as a whole might be Scheduled on account of its primitive way of life and its backwardness a section of that ribe which had embraced Christianity or other religion and had become advanced and could be distringuished

from the rest of the tribe should beexcluded from the Scheduled list on the ground of its advance and condition. He said that there could be no objection to such a course and therefore agreed to the Bihar formula on that ground.

5. We wish to urge that the primitive tribal way of life and the more backward condition of the tribes compared with the Scheduled castes, will furnish sound bases for specification of the Schedule tribes on an all-India basis.

6. As regards a suggestion made at the conference that the areas where the tribes live should be demarcated as Scheduled areas and the criterion should be the tribal origin coupled with residence in the scheduled areas, we wish to point out that that criterion will not be suitable so far as the Madras State is concerned. The 'Chenchus' an important tribe are scattered over a wide area in the state and it will not be possible to declare the areas where they live as scheduled areas. Again the 'Todas' and some other tribes in the hills in the West who have been listed by this Govt. for treatment as scheduled tribes live there along with other tribes who are not proposed to be scheduled nor can the areas were they live be properly declared as scheduled areas. This criterion will not therefore be suitable in Madras.

7. I am to request you to bring the Madras Govt.'s views noted above to the notice of the Govt. of India before they arrive at a decision in the matter.

Yours sincerely,

Sd. x x x

To Sri B.A.Gopalaswami,
I.C.S.,
Registrar Gl.,India
Govt. of India,
Ministry of Home
affairs.

/True copy/

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Orders in circulation at p. 22 ante.

The Conference for discussing the basis for specification of Scheduled Tribes and criterion of tribal membership was held in the Central Secretariat, South Block, New Delhi, at 11 A.M. on Saturday, the 20th May 1950. The Registrar General, India, presided. The Conference was also attended by the Chief Election Commissioner, Mr. Sen, his Secretary, Mr. Subramanya Iyer and another Joint Secretary.

As the Chairman was anxious to conclude the Conference before lunch so that the delegates may return to their respective States the same day, he informed the representatives of States that he assumed that they had studied carefully the notes circulated by him for the Conference. Thereupon he began to elicit the views of the States from each representative. The views of the Madras Govt. were stated fully at the Conference as mentioned in the notes at pp. 15-18 ante.

Assam: The Assam representative stated that his Govt. were not prepared to adopt the criterion of tribal religion or that of tribal language. Despite conversion to Christianity the tribals still lead their primitive way of life in the interior of Assam and that conversion has not made any difference.

Bengal. The Bengal representative said that his Govt. did not accept the criteria of tribal religion and tribal language. His Govt. suggested that the criterion of tribal origin was good enough, i.e., a person born to tribal parents should be regarded as a member of the tribe.

Madhya Bharat. The representative said that tribal religion is not distinguishable from Hinduism. As regards the criterion of tribal language, he said that the classification of the languages in his State was imperfect and therefore his Govt. considered that these two criteria were not quite suitable.

Hyderabad. The representative (Mr. Murthy) said that his Govt. were opposed to the two criteria suggested in the note for the Conference, viz., the tribal religion and the tribal language. His Govt. suggested that the tribal way of life should be adopted as the criterion.

Madhya Pradesh. The representative said that his Govt. wanted to give up their previous position as regards the adoption of tribal religio

In his State some of the members of the important tribe 'Gondh' have

embarced christianity and some other Hinduism. He said that it was not possible or even proper to discriminate against the converts to Hinduism and converts to Christianity. So his Govt. were not keen on adopting the tribal religion as the criterion. But his Govt. suggested that the criterion of tribal language may be adopted.

Bombay: The representative said that his Govt. strongly opposed the criterion of tribal language and that they have also reconsidered their attitude towards the criterion of tribal religion. They now advocated the adoption of another criterion, viz., the tribes living in compact areas should be notified as Scheduled tribes. He said that some Committee appointed by the Bombay Govt. as far back as 1928 had suggested the adoption of this criterion and that it is the one that has been adopted in Bombay since then.

Rajasthan: This representative pointed out that the criterion of tribal religion was unworkable and that if the test of tribal language was adopted some important and well known tribes would be excluded.

Orissa: The Orissa representative said that his Govt. strongly opposed the adoption of the criterion of tribal religion. His Govt. also opposed the adoption of the criterion of tribal language and he suggested that the criterion of tribal way of life would present no difficulties.

Bihar: The Bihar representative stated that so far as his State was concerned their problem was how to treat tribal converts to christianity. His Govt. had decided to exclude the converts to christianity living in particular areas from being declared as scheduled tribes. I pointed out that this problem was of no importance in Madras State and had hardly come to the notice of the Govt; but in view of what was stated by the representative of Bihar, if the tribal converts to Christianity are clearly well advanced and distinguishable from the rest of the tribe and they constitute a section of the tribe, there could be no objection to exclude that section from the list of scheduled tribes. Though the actual exclusion maybe indicated by a reference to conversion, it may be explained that there has been in fact no discrimination on ground of religion, but the comparative advance of this section of the tribe is a fact that on that fact only the section has been excluded. At this Stage, the representative

from Bomay raised the question as to how the Bihar Govt. would treat the tribal converts to christianity, if they all got themselves re-converted to the tribal religion. The Bihar representative and one or two other representatives said that in that case they would be included in the list of scheduled tribes. I raised the point that once a section of a tribe which had been excluded from the scheduled tribe list on the ground of its advanced culture and social condition as a result of conversion to Christianity should not be included in the list of scheduled tribes again on their reconversion to tribal religion. The ground on which they were excluded originally was not a religious one but the fact that the section had become advanced in culture and in social condition. So long as that fact remained there could be no justification for scheduling the community simply because it had reconverted itself to tribal religion. A general discussion followed. Some representatives said that it was not necessary to exclude Christian converts and that there was no harm in their being allowed to continue as scheduled tribes. But the Bihar representative insisted upon excluding the christian converts and I said that so long as they based their grounds on the advanced condition of community and not on religion there was no objection. As regards the point raised by me regarding reconverts to tribal religion the Joint Secy. to the Chief Election Commissioner said that a whole section of tribe may not get themselves recoverted to tribal religion, but only individuals may do so and that we need not go into that probelem just now.

All tribes do not live in compact areas.

The Chairman next suggested whether it was possible that each State could mark out the areas where the selected tribes live and declare those areas as scheuled areas. In that case it would be possible to treat the tribes living in those areas as scheduled tribes. The Madhya Bharat and other newly formed States said that they would require time to demarcate the areas to be scheduled and to draw up the necessary maps. The Chairman said that he had elicited the views of all Govts. He said that the States should not recommend the names of all tribes for being scheduled. It is possible for the States to include some of these tribes either in the list of backward classes or in the list of scheduled castes. There is no objection to the inclusion of some of the tribes

in the list of scheduled caster and be referred to the wording of Article 341(1) of the Constitution, according to which the President may, after consultation with the Governor or RAj Pramukh of a State, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for purposes of this Constitution be deemed to be scheduled castes inrelation to that State. He also pointed out that it was open to the States to extend all or important special ameliorative measures intended for backward classes to the tribes also. There was therefore no point in recommending all the tribes for being scheduled. He said that in some States the population of the tribes are small entitling the tribes to a few reserved seats in the legislatures whereas in some other States the population was very large and that a very large number of seats have to be reserved for them. It was therefore necessary that all the tribes should not be recommended for inclusion in the scheduled lists. The list should therefore be restricted by the application of some criterion. He said that the special provision for the reservation of seats for the scheduled tribes would last only for ten years and that thereafter these scheduled tribes will be on a par with the backward classes. In reply to the Chairman's remarks it was pointed out at the Conference that the Constitution contains several important provisions, which are beneficial only to the scheduled tribes, viz., articles 19(5), 244(1), first proviso to article 275(1), 330, 332, 334, 335, 338 and the Fifth schedule. In view of the above important provisions it was incumbent upon states to see that all tribes which deserve to be scheduled are scheduled as such and that no tribe which does not deserve to be scheduled is unnecessarily scheduled. The adoption of the two criteria suggested in the note for the Conference, viz., the tribal religion and the tribal languages were not satisfactory. The Chairman thereupon said that it was clear that the Conference was not in favour of adopting either of the criteria, i.e., the tribal religion or the tribal language. He therefore said that what other criterion should be adopted for selecting scheduled tribe would be considered by the Govt. of India on the views elicited from the representatives of State Govts. A question was raised whether the Govt. of India would consult again the State Govts. before coming to a decision on the criterion

which they may hereafter adopt, or whether they will send out a list of selected tribes relating to each State to the State concerned for remarks before notification by the president. The Chairman said that he could not give any such assurance, that he would place on record the requests made by the members of the conference and that if the Govt. of India could find time to consult the State Govts. again in the matter, they might do so; if not the Govt. of India might come to a decision on the materials available with them.

AGENDA II.

After lunch the Chairman sent for each representative one after another and discussed with them the second subject in the agenda, viz., objections to individual entries in relation to the castes or tribes proposed to be scheduled.

I pointed out to the Chairman the typographical error of inclusion of the tribe 'Gaunt' in the list relating to Madras along with the note for the conference. After verifying the XIII Schedule to the Govt. of India (Provincial Legislative Assembly) Order, 1936, the Chairman agreed that it was wrongly included in the list.

As regards the tribes-Irula, Lambedy, Sugali, Yenadi and Yerukula I informed the Chariman that they were included in the list recommended by this Govt. out of deference to the request made by Shree Thakkar Baba. I also told him that the Madras Govt. had no strong views in the matter and that they were prepared to the exclusion of these five tribes from the list of scheduled tribes if the Govt. of India consider it desirable to do so. The Chairman accordingly noted down that the names of these five tribes may be excluded from the proposed list.

As regards the inhabitants of the Laccadive and Minicoy and Amindivi Islands I pressed for the retention of the name of the tribe in the list of scheduled tribes on the grounds urged in the note on pp. 21-22 ante. The Chairman was impressed by the ~~arguments~~ argument advanced and agreed to the retention of the tribe in the scheduled tribes. But he objected to the definition of the tribe as given in our list, viz., "inhabitants of the Laccadive and Minicoy and Amindivi Islands excluding those declared outsiders by such authority and in accordance with such instructions as may be issued by the Government

of Madras". He objected to the portion underlined as not being in proper form in a statutory list. He wanted to know whether it was the intention of the Madras Govt. that only the children of the soil should be declared as scheduled tribes and that outsiders who are staying on the islands for business or other purposes should not be included in the list. When I answered in the affirmative, he suggested the following definition for inclusion in the list, viz., "the residents of Laccadive and Minicoy and Amindivi islands who and both of whose parents were born in the islands." Subject to approval I agreed to the definition.

May be accepted.
Sd/
29-5-50.

H.S.J.
29-5-50.

H.M.(Fin)

H.M.(R.D.)

H.C.M.

R.M.VIII.

The Govt. of India convened a conference on 20-5-50 of the representatives of the States for (1) deciding the basis of specification of Scheduled Tribes and criterion of tribal membership and (2) settling the objections to individual entries in the lists of Scheduled Castes and Scheduled Tribes recommended by the States. So far as this State was concerned, objection was not taken to the inclusion of any caste in the list of Scheduled Castes. But objection was taken to the inclusion of 7 entries in the list of Scheduled Tribes - Vide p. 17 c.f.

Sri J.I.Arputhanathan, Joint Superintendent of Census Operations represented this Govt. at the conference. No unanimous decision was reached at the conference on point (1) above. The Govt. of India however noted the views of each Govt. in the matter. (This Govt.'s view is the one in para 4 at pp. 17-18 ante). As regards point (2) of the 45 tribes originally recommended by this Govt. for specification as Scheduled Tribes, the Govt. of India took objection to the inclusion of the 7 entries given at p. 17 c.f. As a result of the discussion of the Chairman with the individual representatives of each Govt. it

it was decided as follows:-

1. Maune (No.3 at p. 17 c.f.):-.This entry was wrongly included by theGovt. of India in the list of entries objected to. It was, therefore, decided to retain the entry in the list of Scheduled Tribes.

2. Irula, Lambadies, Sugalis, Yenadis and Yerukula (Nos. 1, 2 and 4-6 at p. 17 c.f.):- As these names were recommended for inclusion out of deferance to the request of Sri Thakkar Bapa of the Harijan Sevak Sangh and as this Govt. themselves had no strong views in the matter, it was decided to omit them from the list of Scheduled Tribes.

3. Inhabitants of the Laccadive, Minicoy and Amindivi islands (No. 7 at p. 17 c.f.):- As the intention of this Govt. was that only the children of the soil should be declared as Scheduled Tribes and that outsiders who are staying on the islands for business or other purposes should not be included in the list, it was decided that the entry may berecast as follows:-

"The residents of the Laccadive, Minicoy and Amindivi islands who, and both of whose parents, were born in the islands."

3. The President has since issued the Scheduled Tribes Order under Article 342 (1) of the Constitution. It is seen therefrom that the list of Scheduled Tribes shown under Madras conforms to the above decisions.

4. No further action is called for. The papers may now be recorded for facility of future reference.

G.O.Ms.No.438, dated 7-11-1950.

Abstract:

Scheduled Tribes - Specification under the Constitution -Conference at New Delhi - Decisions - Papers Recorded.

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SUPERINTENDENT.

Inch.3/7. Compared.

D. Seshadri 10/11/53